

AUSTIN CITY COUNCIL  
**AGENDA**



Thursday, February 15, 2007

+ Back Print

**Zoning and Neighborhood Plan Amendments  
(Public Hearings and Possible Action)  
RECOMMENDATION FOR COUNCIL ACTION**

**ITEM No. 45**

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**Subject:** C14-06-0085 SH – Zachary Scott Subdivision Tract 1 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10016-10136 Old Lockhart Highway East of Bradshaw Road (Rinard Creek Watershed) from interim-rural residence (I-RR) district zoning to single-family residence-small lot (SF-4A) district zoning Staff Recommendation To grant single-family residence-small lot (SF-4A) district zoning with conditions. Zoning and Platting Commission Recommendation To grant single-family residence-small lot (SF-4A) district zoning with conditions. Applicant: Lennar Buffington Zachary Scott, L P (Bryan Sims). Agent. Cuatro Consultants, Ltd. (Hugo Elizondo, Jr ) City Staff: Wendy Walsh, 974-7719

**Additional Backup  
Material**  
(click to open)  
 **Staff Report**

**For More Information:**

## ZONING CHANGE REVIEW SHEET

**CASE:** C14-06-0085.SH

**Z.A.P. DATE:** January 9, 2007

**ADDRESS:** 10016 – 10136 Old Lockhart Highway east of Bradshaw Road

**OWNER:** Lennar Buffington Zachary Scott, LP  
(Patrick J. Starley, Bryan N. Sims)

**AGENT:** Cuatro Consultants, Ltd.  
(Hugo Elizondo, Jr )

**ZONING FROM:** I-RR      **TO:** SF-4A      **AREA:** 189 012 acres

### **SUMMARY STAFF RECOMMENDATION:**

The Staff's recommendation is to grant single family residence small lot (SF-4A) district zoning. The Restrictive Covenant includes all recommendations listed in the Traffic Impact Analysis memorandum, dated January 3, 2007, as provided in Attachment A.

### **ZONING & PLATTING COMMISSION RECOMMENDATION:**

January 9, 2007 *APPROVED SF-4A DISTRICT ZONING WITH A RESTRICTIVE COVENANT FOR THE CONDITIONS OF THE TRAFFIC IMPACT ANALYSIS, BY CONSENT.*

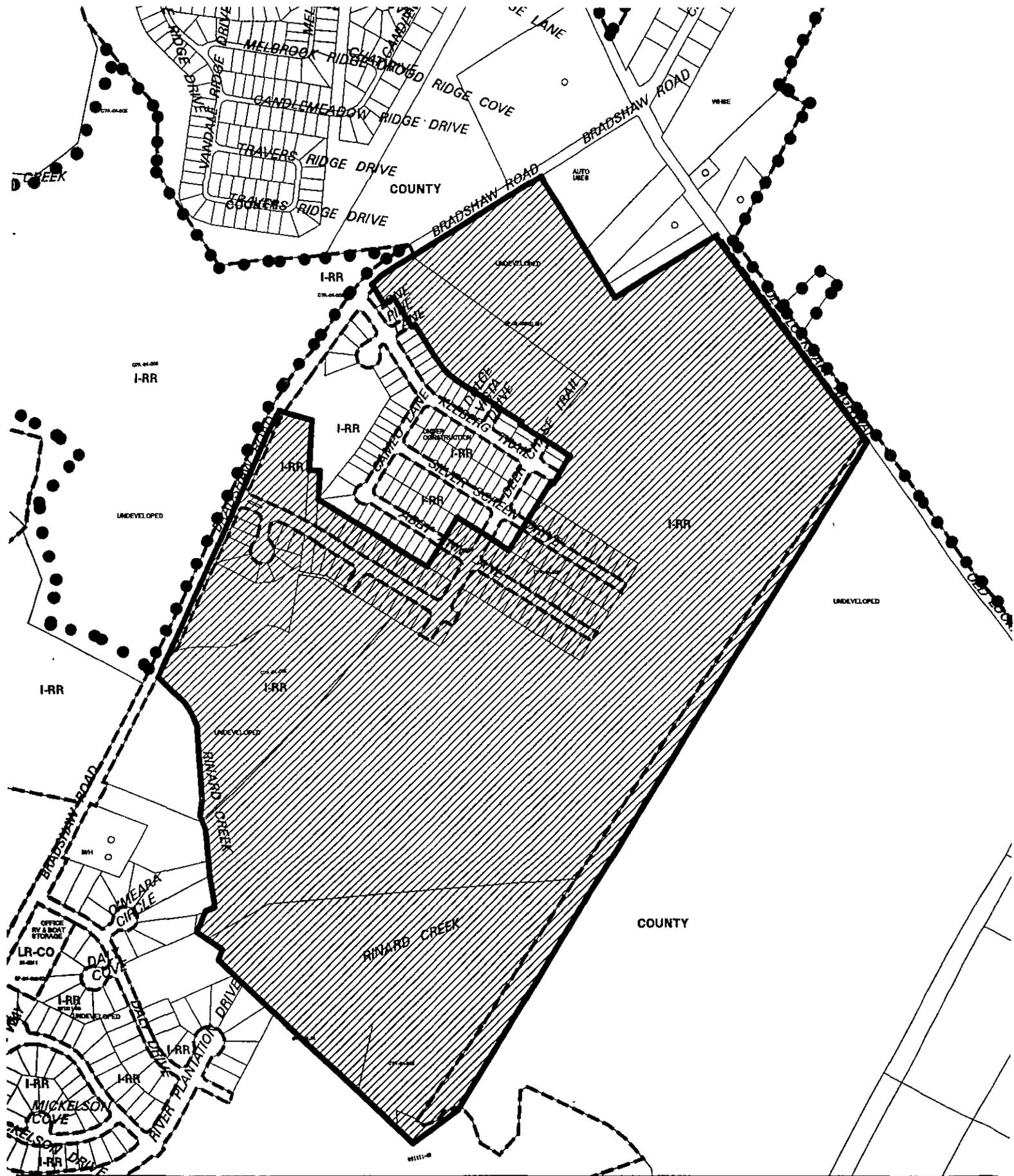
*[J. GOHIL, J. PINNELLI – 2<sup>ND</sup>] (6-0, B. BAKER AND J. MARTINEZ – ILL; S HALE - ABSENT*

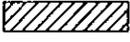
### **ISSUES:**

This rezoning case has been approved to participate in the City's S.M.A.R.T. (Safe, Mixed-Income, Accessible, Reasonably-priced, Transit-Oriented) Housing expedited review program. Please refer to Attachment B.

### **DEPARTMENT COMMENTS:**

The subject property is undeveloped, zoned interim – rural residence (I-RR, upon its annexation into the City limits) and is accessed by way of Bradshaw Road. The zoning area consists of most of the eastern portion of the Zachary Scott subdivision, including the recorded plat of Section Two, although building permits will not be issued until the zoning is finalized. (As shown in Exhibit A, Section One adjoins the zoning area, is platted and under construction, and not a part of this zoning case.) The western portion of the subdivision is across Bradshaw Road. The Goodnight Ranch Planned Unit Development is to the north (PUD), River Ridge manufactured home community is to the northwest (County), Onion Creek subdivision (I-SF-2) is to the southwest, a proposed subdivision to be known as Legend's Way is to the south (I-RR) and undeveloped land is to the east (County). Please refer to Exhibits A (Zoning Map), A-1 (Aerial View and Floodplain Overlay) and A-2 (Vicinity Map).



 1" = 600'	SUBJECT TRACT 	<b>ZONING EXHIBIT A</b>	CITY GRID REFERENCE NUMBER <b>H11</b>	
	PENDING CASE 			<b>CASE #: C14-06-0085.SH</b>
	ZONING BOUNDARY 			ADDRESS: 10016-10136 OLD LOCKHART HWY E OF BRADSHAW RD
	CASE MGR: W.WALSH			DATE: 06-11 INTLS: SM



UNDEVELOPED

UNDEVELOPED

COUNTY

UNDEVELOPED

UNDEVELOPED

NORTH

EXHIBIT

C7L-05-0  
H

*OLD LOCKHART HIGHWAY*

UNDEVELOPED

UNDEVELOPED

I-RR

COUNTY

UNDEVELOPED

SP-06-0386D.SH

UNDER CONSTRUCTION

C7A-04-005

*100-year Floodplain*

COUNTY

I-RR

I-RR

I-RR

I-RR

UNDEVELOPED

C7A-04-005

04-004-14

TRAVELER DR

C7A-04-005

UNDEVELOPED

COUNTY

1211-40  
0053

GOLF COURSE

C7A-04-003

031211-40

04-0052

GOLF COURSE

OFFICE

0211

**NORTH**

**EXHIBIT A**

031211-40

SF-2

UNDEVELOPED

I-RR

I-RR

I-RR

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ON CENTER CIR

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UNDEVELOPED

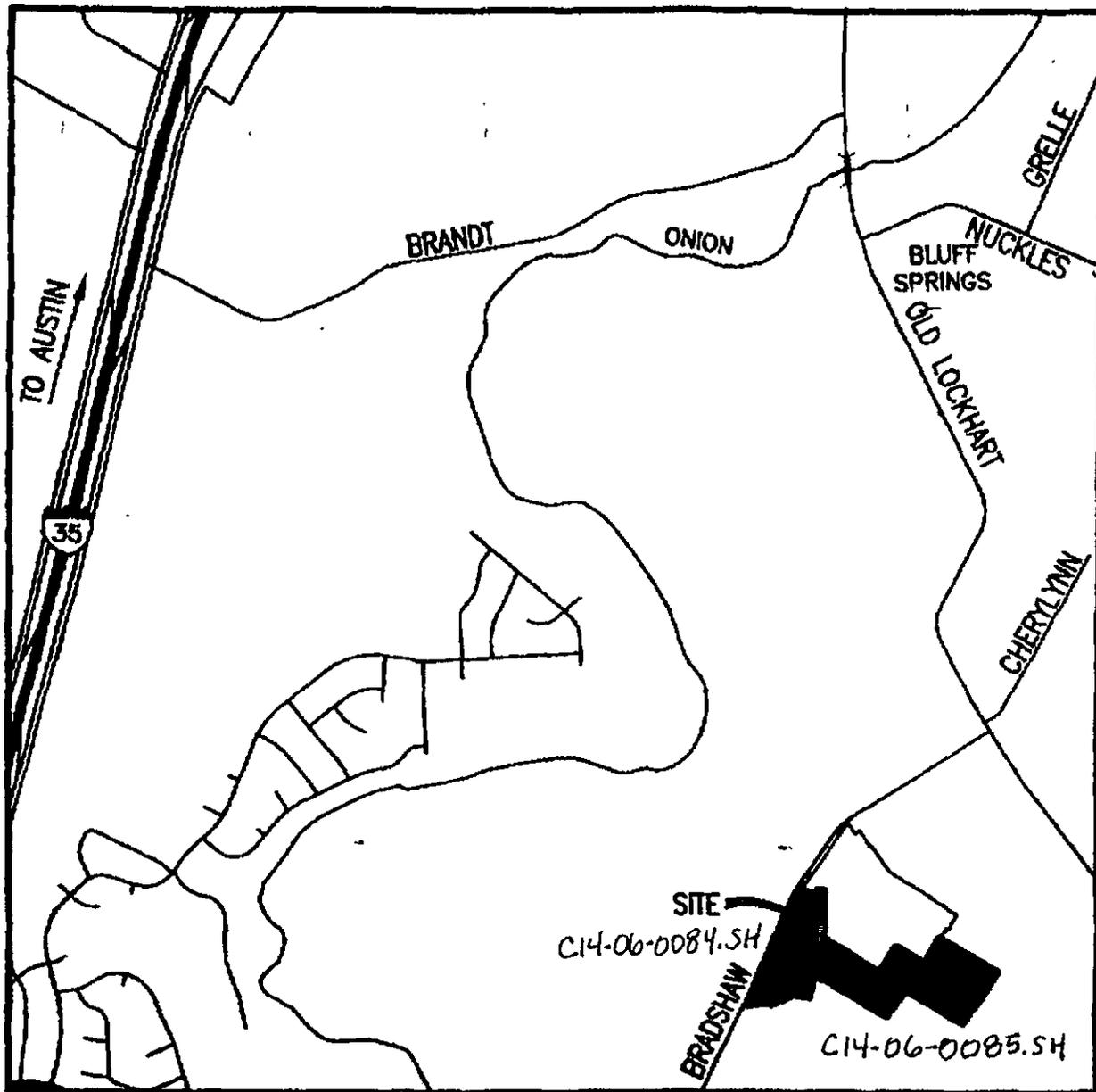
I-RR

UNDEVELOPED

I-RR

UNDEVELOPED

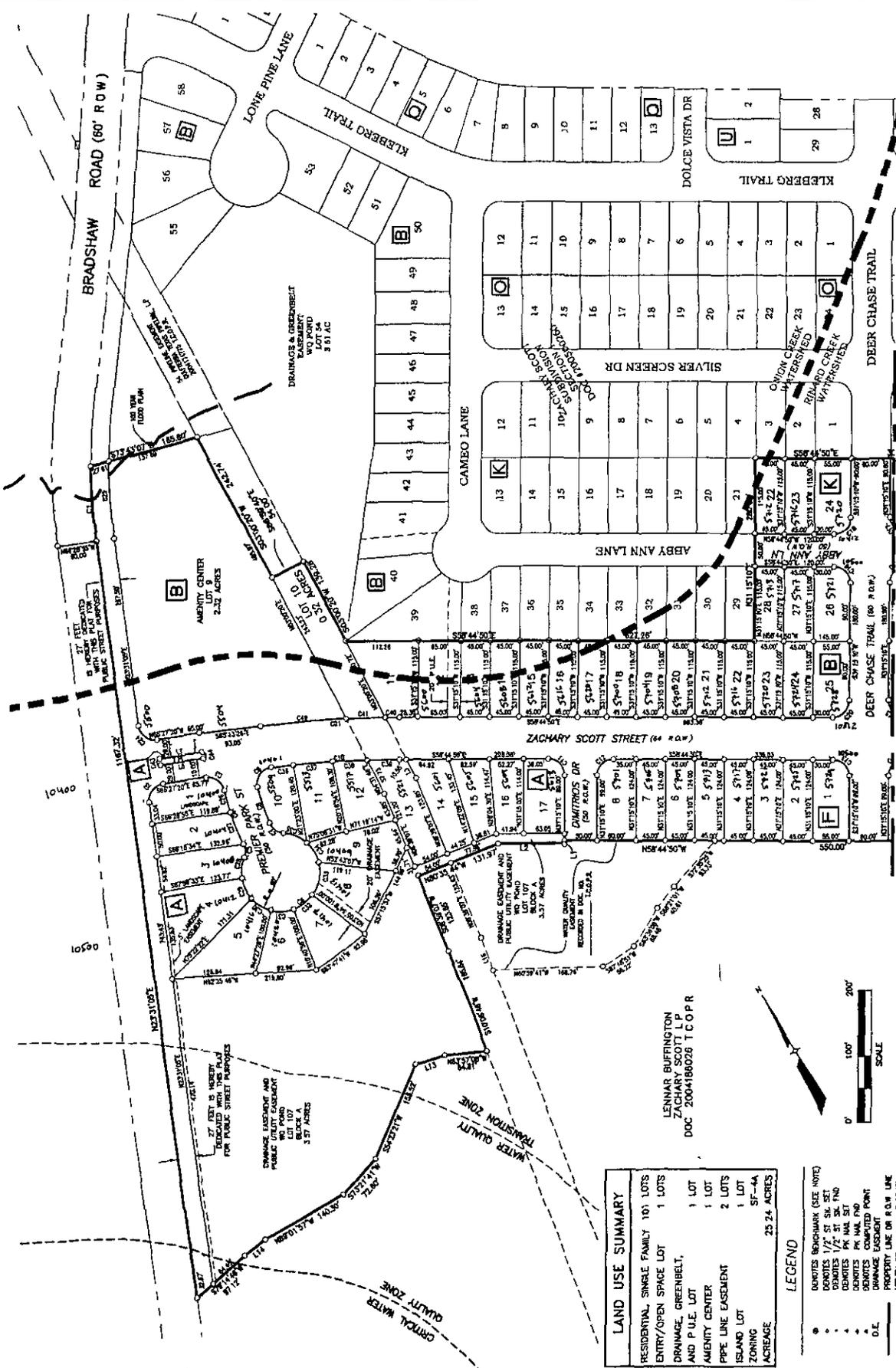
I-RR



LOCATION MAP



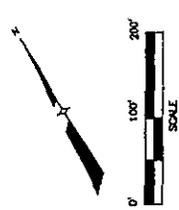
# ZACHARY SCOTT SUBDIVISION, SECTION TWO



LAND USE SUMMARY	
RESIDENTIAL SINGLE FAMILY	101 LOTS
ENTRY/OPEN SPACE LOT	1 LOT
DRAINAGE GREENBELT, AND P.U.E. LOT	1 LOT
AMENITY CENTER	1 LOT
PIPE LINE EASEMENT	2 LOTS
ISLAND LOT	1 LOT
ZONING	SF-NA
ACREAGE	25.24 ACRES

- LEGEND**
- QUARTER BENCHMARK (SEE NOTE)
  - DEVIATION
  - DEVIATION 1/2" AT 30' PND
  - DEVIATION PK W/L PND
  - DEVIATION PK W/L PND
  - DEVIATION COMPUTED POINT
  - PROPERTY CORNER
  - UTILITY OR LIKE LINE EASEMENTS
  - PROPOSED SEWER
  - 100 YEAR FLOODPLAIN
  - BLOCK WALL

LENNAR BUFFINGTON  
ZACHARY SCOTT L.P.  
DOC 2004188028 T.C.O.P.R.



MATCHLINE, SHEET 2 OF 3

**ACQUATRO**  
Consultants,  
Inc.

SHEET 1 OF 3 SUBMITTAL DATE: JANUARY 24, 2006 CB-04-0033 3A SH

12815

12007002

EXHIBIT C  
RECORDED PLAT

PHOTOGRAPHIC MYLAR





**Date:** January 3, 2007  
**To:** Wendy Walsh, Case Manager  
**CC:** Robert Halls, Robert J Halls and Associates  
**Reference:** Zachary Scott Subdivision TIA, C14-006-0085.SH

The Transportation Review Section has reviewed the Traffic Impact Analysis for the Zachary Scott Subdivision site, dated October 2006, prepared by Robert Halls, Robert J. Halls and Associates, and offers the following comments.

### **TRIP GENERATION**

The Zachary Scott Tract is located southeast of the intersection of Old Lockhart Highway and Bradshaw Road in southeast Austin.

Based on the standard trip generation rates established by the Institute of Transportation Engineers (ITE), the development will generate approximately 8,433 unadjusted average daily trips (ADT)

The table below shows the adjusted trip generation by land use for the proposed development:

<b>LAND USE</b>	<b>Size</b>	<b>ADT</b>	<b>AM Peak</b>	<b>PM Peak</b>
Single Family	973	8,433	691	830

### **ASSUMPTIONS**

1. Traffic growth rates provided by the Texas Department of Transportation and the City of Austin were as follows:

<b>Roadway Segment</b>	<b>%</b>
All Roads	3%

2. In addition to these growth rates, background traffic volumes for 2006 included estimated traffic volumes for the following projects.

Goodnight Ranch PUD  
C8J-03-0167      Bella Fortuna  
C8-02-0115.0A      McKinney Falls East Addition  
SP-05-1344D      Onion Creek Ballroom  
SP-06-0386D.SH      Bradshaw Crossing Section 8

3. No reductions were taken for pass by, internal capture or transit use.

*ATTACHMENT A*

**EXISTING AND PLANNED ROADWAYS**

**Bradshaw Road** – This facility is a two lane collector from Old Lockhart Highway to River Plantation Drive. The 2025 AMATP calls for a portion of this roadway adjacent to the subject site to be upgraded as part of Pleasant Valley. The existing traffic volumes on this road is 948 trips per day. A capacity analysis was submitted for this facility and projected that at the time of build out this roadway would carry up to 7,000 vehicles per day and operate at a level of service C.

**Old Lockhart Highway** – This roadway is classified as a two lane minor arterial. The 2025 plan shows Old Lockhart Highway to be upgraded to a four lane divided major arterial however currently there are no funds for this upgrade.

**Slaughter Lane** – Slaughter Lane is classified as a four lane divided arterial with 2025 plans to be upgraded to a six lane divided arterial.

**Nuckols Crossing Road** – This roadway is a two lane collector roadway.

**Pleasant Valley Road** – This roadway is classified as a four lane divided arterial and currently terminates north of Nuckols Crossing Road. The AMATP shows Pleasant Valley extending south to Turnersville Road. This facility will overlap portions of Old Lockhart Highway as well as Bradshaw Road.

**INTERSECTION LEVEL OF SERVICE (LOS)**

The TIA analyzed 9 intersections, 3 of which are or will be signalized. Existing and projected levels of service are as follows, assuming that all improvements recommended in the TIA are built.

**Table 4. Level of Service**

Intersection	Existing		Site + Forecasted	
	2006		2013	
	AM	PM	AM	PM
River Plantation Drive and Bradshaw Road/Pleasant Valley	A	A	A	A
Bradshaw Road/Cheryl Lynn Road and Old Lockhart Highway *	B	B	B	C
Slaughter Lane and Old Lockhart Highway *	D	C	D	D
Bluff Springs Road and Nuckol's Crossing Road *	B	B	D	D
Zachary Scott Street and Bradshaw Road			A	A
Parkland Place and Bradshaw Road			B	B
Kleberg Trail and Bradshaw Road			B	B
Arbor Hill Lane and Bradshaw Road			B	B
Cresendo Lane and Old Lockhart Highway			B	B

\* = SIGNAL

**RECOMMENDATIONS**

1) Prior 3<sup>rd</sup> Reading at City Council fiscal is required to be posted for or a phasing agreement is required the following improvements:

Intersection	Improvement
Bradshaw Road/Cheryl Lynn Drive and Old Lockhart Highway	Traffic Signal*
	EB Right Turn Lane
Slaughter Lane and Old Lockhart Highway	Traffic Signal*
	Construction of the EB movements to allow for dual lefts, a through and a right lane
	Construction of the WB movements to allow for a left, a through and a shared through/right lane
	Construction of the NB movements to allow for a left, and shared through and right lane
Nuckols Crossing Road and Bluff Springs Road	Traffic Signal*
	Construction of the WB movements to allow for a left turn lane and a right turn lane
	Construction of the NB movements to allow for a through lane and a left turn lane
	Construction of the SB movements to allow for a left turn lane and a through lane

EB=Eastbound WB=Westbound NB=Northbound SB=Southbound  
 \*Signals will be installed at these intersections only when warrants are met as determined and approved by DPWT

- 2) Two copies of the final TIA are required to be submitted prior to 3<sup>rd</sup> Reading at City Council.
- 3) Approval from Public Works is required prior to City Council.
- 4) Development of this property should be limited to uses and intensities which will not exceed or vary from the projected traffic conditions assumed in the TIA, including peak hour trip generations, traffic distribution, roadway conditions, and other traffic related characteristics.

If you have any questions or require additional information, please contact me at 974-2788



Emily M. Barron  
 Sr Planner - Transportation Review Staff  
 Watershed Protection and Development Review



## City of Austin

P.O. Box 1088, Austin, TX 78767  
[www.cityofaustin.org/housing](http://www.cityofaustin.org/housing)

### Neighborhood Housing and Community Development Department

Gina Copic, S.M.A.R.T. Housing Program Manager  
 (512) 974-3180, Fax: (512) 974-3112, [gina.copic@cityofaustin.tx.us](mailto:gina.copic@cityofaustin.tx.us)

January 7, 2005

S.M.A.R.T. Housing Certification  
 Lennar Buffington Zachary Scott Subdivision  
 Southeast of intersection of Old Lockhart Rd and Bradshaw

#### TO WHOM IT MAY CONCERN:

Lennar Homes (Paul Powell, 418-0258 x274 (o), 294-4146 (m), [Paul.Powell@Lennar.com](mailto:Paul.Powell@Lennar.com)) is planning to develop a 992 unit single-family development southeast of intersection of Old Lockhart Rd and Bradshaw Rd. This proposed development is not in an active City of Austin Neighborhood Planning Area.

NHCD certifies that the proposed construction meets the S.M.A.R.T. Housing standards at the pre-submittal stage. Since 60% of the homes will serve households at or below 80% Median Family Income (MFI) or below, the development will be eligible for full waiver of the fees listed in Exhibit A of the S.M.A.R.T. Housing Resolution adopted by the City Council. The expected fee waivers include, but are not limited to, the following fees:

Capital Recovery Fees	Concrete Permit	Mechanical Permit
Building Permit	Electrical Permit	Plumbing Permit
Construction Inspection	Subdivision Plan Review	Zoning Verification
	Regular Zoning Fee	Land Status Determination

Prior to filing of building permit applications and starting construction, the developer must:

- † Obtain a signed Conditional Approval from the Austin Energy Green Building Program stating that the plans and specifications for the proposed development meet the criteria for a Green Building Rating. (Austin Energy: Dick Peterson, 482-5372).
- † Submit the S.M.A.R.T. Housing Residential Completeness Check, Permit Application, and plans demonstrating compliance with visitability and transit-oriented standards to single-family permit intake staff at One Texas Center, 505 Barton Springs Road.

Before a Certificate of Occupancy will be granted, units in the development must:

- † Pass a final inspection and obtain a signed Final Approval from the Green Building Program. (Separate from any other inspections required by the City of Austin or Austin Energy).
- † Pass a final inspection by NHCD to certify that visitability and/or accessibility and transit-oriented standards have been met.

The applicant must demonstrate compliance with the reasonably-priced standard after the completion of the homes, or repay the City of Austin in full the fees waived for this S.M.A.R.T. Housing certification.

Please contact me at 974-3126 if you need additional information.

*Steve Barney*  
 Steve Barney, Project Coordinator  
 Neighborhood Housing and Community Development Office

Cc:	Gina Copic, NHCD	Suzett Hetch, NHCD	Yolanda Prada, WPDR
	Javier Delgado, NHCD	Janet Gallagher, WPDR	Mazia Valpe, WPDR
	Robby McArthur, WWW Taps	Dick Peterson, Austin Energy	Lisa Nickle, WPDR
	Adam Smith, NPZD	Ricardo Soliz, NPZD	

ATTACHMENT B

### **SUMMARY STAFF RECOMMENDATION:**

The Staff's recommendation is to grant single family residence small lot (SF-4A) district zoning. The Restrictive Covenant includes all recommendations listed in the Traffic Impact Analysis memorandum, dated January 3, 2007, as provided in Attachment A.

### **BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

The single family residence small lot (SF-4A) district is intended as an area for moderate density single-family residential use, with a minimum lot size of 3,600 square feet. In appropriate locations, small lot single-family use is permitted under standards that maintain single-family neighborhood characteristics

2. *Zoning changes should promote compatibility with adjacent and nearby uses.*

Staff is recommending SF-4A zoning as it is compatible use and zoning with the surrounding residential subdivisions, and is consistent with the Council's policy of providing opportunities for S.M A R T Housing to occur.

### **EXISTING CONDITIONS**

#### **Site Characteristics**

The site is undeveloped and slopes to the west towards the confluence of Onion and Rinard Creeks, which form the western boundary.

#### **Impervious Cover**

The maximum impervious cover allowed by the SF-4A zoning district would be 55%, which is based on the more restrictive zoning regulations.

#### **Environmental**

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Rinard Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	45%	50%
Other Single-Family or Duplex	55%	60%

Multifamily	60%	70%
Commercial	80%	90%

According to flood plain maps, there is floodplain within, or adjacent to the project boundary. Based upon the close proximity of flood plain, offsite drainage should be calculated to determine whether transition zone exists within the project location. If transition zone is found to exist within the project area, allowable impervious cover within said zone should be limited to 30%.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements.

Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention

### **Transportation**

No additional right-of-way is needed at this time. Street right-of-way dedication and alignment is being addressed during the subdivision process with the Zachary Scott preliminary plan (C8-04-0033.01 SH) and final plat applications (C8-04-0033 1A SH, C8-04-0033.2A.SH, C8-04-0033.3A.SH)

The trip generation under the requested zoning is estimated to be 21,925 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

- a ) Based on the approved preliminary plan for the subdivision, there are 945 residential lots proposed which is estimated will generate approximately 9,025 trips per day.

### **Water and Wastewater**

The landowner intends to serve each lot with City of Austin water and wastewater utilities. The landowner, at his own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extension, system upgrades to serve each lot. The water and wastewater utility system must be in accordance with the City of Austin design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The water and wastewater utility construction must be inspected by the City. The landowner must pay the City inspection fee with the utility construction.

### **Compatibility Standards**

The requested zoning does not trigger the application of compatibility standards.

ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE  
2 PROPERTY LOCATED AT 10016-10136 OLD LOCKHART HIGHWAY EAST OF  
3 BRADSHAW ROAD AND CHANGING THE ZONING MAP FROM INTERIM-  
4 RURAL RESIDENCE (I-RR) DISTRICT TO SINGLE FAMILY RESIDENCE  
5 SMALL LOT (SF-4A) DISTRICT.  
6

7 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

8  
9 PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to  
10 change the base district from interim-rural residence (I-RR) district to single family  
11 residence small lot (SF-4A) district on the property described in Zoning Case No. C14-06-  
12 0085.SH, on file at the Neighborhood Planning and Zoning Department, as follows:

13  
14 A 189.012 acre tract of land, more or less, out of the Santiago Del Valle Grant and  
15 being a part of Tract 1, the tract of land being more particularly described by metes  
16 and bounds in Exhibit "A" incorporated into this ordinance,

17  
18 locally known as 10016-10136 Old Lockhart Highway east of Bradshaw Road, in the City  
19 of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit  
20 "B".

21  
22 PART 2. This ordinance takes effect on \_\_\_\_\_, 2007.

23  
24  
25 PASSED AND APPROVED

26  
27 \_\_\_\_\_, 2007 §  
28 §  
29 §

30 Will Wynn  
31 Mayor

32  
33  
34 APPROVED: \_\_\_\_\_  
35 David Allan Smith  
36 City Attorney

ATTEST: \_\_\_\_\_  
Shirley A. Gentry  
City Clerk

## FIELD NOTE DESCRIPTION FOR TRACT 1, A 189.012 ACRE TRACT OF LAND:

BEING A TRACT OR PARCEL OF LAND SITUATED IN TRAVIS COUNTY, TEXAS, AND BEING OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT, AND BEING A PART OF TRACT 1 AS DESCRIBED IN A SPECIAL WARRANTY DEED TO LENNAR BUFFINGTON ZACHARY SCOTT, L.P. FROM THE FROST NATIONAL BANK, TRUSTEE OF THE Z.T. SCOTT, JR., ET TRUST UNDER TO WILL OF Z.T. SCOTT, DECEASED, ET AL, DATED SEPTEMBER 3, 2004, AND RECORDED IN DOCUMENT NO. 2004186026, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a point in the southeast right-of-way line of Bradshaw Road, for the north corner of said Tract 1, for the West corner of that certain tract of land as described in a deed to Dawn E. and Eldon W. Janssen, recorded in Document No. 2000193206, of the Official Public Records of Travis County, Texas, and for the North corner of this tract;

THENCE with the west line of the said Janssen tract, the west line of that certain tract of land as described in a deed to Nelda Short, recorded in Volume 9525, Page 378, of the Real Property Records of Travis County, Texas, the west line of the Salrich Addition, recorded in Volume 48, Page 54, of the Plat Records of Travis County, Texas, and the west line of the Adams Addition, recorded in Volume 49, Page 94, of the Plat Records of Travis County, Texas, South  $32^{\circ}30'07''$  East, a distance of 693.47 feet to a point, for the Southwest corner of the said Adams Addition, for an angle corner of said Tract 1, and for an angle corner of this tract;

THENCE with the south line of the said Adams Addition, common to said Tract 1, North  $58^{\circ}28'35''$  East, a distance of 569.89 feet to a point in the west line of the Austin Lockhart Road, for an angle corner of said Tract 1, and for an angle corner of this tract;

THENCE with the west line of the said Austin Lockhart Road, common to said Tract 1, the following two (2) courses:

1. South  $36^{\circ}35'06''$  East, a distance of 373.47 feet to a point, for an angle corner of this tract;
2. South  $36^{\circ}56'37''$  East, a distance of 872.11 feet to a point, for the Northwest corner of that certain tract of land as described in a deed to the Bradsher Family Trust and H. Goodnight Family Trust, et al, recorded in Volume 12049, Page 1677, of the Real Property Records of Travis County, Texas, for the Northeast corner of said Tract 1, and for the Northeast corner of this tract;

EXHIBIT A

THENCE with the west line of the said Bradsher/Goodnight tract, and the east line of said Tract 1, the following two (2) courses:

1. South 31°10'19" West, a distance of 2,528.19 feet to a point, for an angle corner of this tract;
2. South 31°29'49" West, a distance of 1,298.04 feet to a point, for the Southwest corner of the said Bradsher/Goodnight tract, for an angle corner of that certain tract of and as described in a Warranty Deed to Legend's Way Development Company from Williamson Creek Farms, Ltd., dated July 1, 1999, and recorded in Document No. 2001174967, of the Official Public Records of Travis County, Texas, for an angle corner of said Tract 1, and for an angle corner of this tract;

THENCE continuing with the east line of said Tract 1, common to the said Legend's Way tract, South 53°43'52" West, a distance of 272.22 feet to a point, for the Southeast corner of said Tract 1, and of for the Southeast corner of this tract;

THENCE with the south line of said Tract 1, common to the said Legend's Way tract, the following five (5) courses:

1. North 46°46'08" West, a distance of 1,303.59 feet to a point, for an angle corner of this tract;
2. North 19°53'54" East, a distance of 53.60 feet to a point, for an angle corner of this tract;
3. North 55°55'54" West, a distance of 150.00 feet to a point, for an angle corner of this tract;
4. North 22°28'58" East, a distance of 111.11 feet to a point, for an angle corner of this tract;
5. North 66°48'18" East, a distance of 47.22 feet to a point in the approximate centerline of Rinard Creek, for an angle corner of this tract;

THENCE continuing with the south line of said Tract 1, common to the said Legend's Way tract, and with the approximate centerline of said Rinard Creek, the following nine (9) courses:

1. North 09°52'11" West, a distance of 154.78 feet to a point, for an angle corner of this tract;

2. North 05°09'32" West, a distance of 232.85 feet to a point, for an angle corner of this tract;
3. North 21°28'58" West, a distance of 77.47 feet to a point, for an angle corner of this tract;
4. North 07°31'19" East, a distance of 76.58 feet to a point, for an angle corner of this tract;
5. North 04°18'10" West, a distance of 361.03 feet to a point, for an angle corner of this tract;
6. North 21°35'26" West, a distance of 41.40 feet to a point, for an angle corner of this tract;
7. North 28°07'07" West, a distance of 59.00 feet to a point, for an angle corner of this tract;
8. North 36°36'03" West, a distance of 40.42 feet to a point, for an angle corner of this tract;
9. North 46°22'24" West, a distance of 165.49 feet to a point in the east right-of-way line of said Bradshaw Road, for the Southwest corner of said Tract 1, for the Northwest corner of the said Legend's Way tract, and for the Southwest corner of this tract;

THENCE with the east right-of-way line of said Bradshaw Road, the following two (2) courses:

1. North 23°31'05" East, a distance of 1,309.83 feet to a point at the beginning of a curve to the right;
2. Along said curve to the right an arc length of 112.27 feet, having a radius of 921.91 feet, a delta angle of 06°58'40", a chord bearing of North 27°13'49" East, and a chord distance of 112.20 feet to a point, for the Southwest corner of Zachary Scott, Section 1, a subdivision recorded in Document No. 200500260, of the Official Public Records of Travis County, Texas, and for an angle corner of this tract;

THENCE with the south line of said Zachary Scott, Section 1, the following seven (7) courses:

1. South 73°43'07" East, a distance of 165.52 feet to a point, for an angle corner of this tract;

2. South 03°00'20" West, a distance of 242.74 feet to a point, for an angle corner of this tract;
3. South 86°59'40" East, a distance of 54.00 feet to a point, for an angle corner of this tract;
4. South 03°00'20" West, a distance of 139.28 feet to a point, for an angle corner of this tract;
5. South 58°44'50" East, a distance of 627.26 feet to a point, for an angle corner of this tract;
6. North 31°15'10" East, a distance of 280.00 feet to a point, for an angle corner of this tract;
7. South 58°44'50" East, a distance of 305.00 feet to a point, for the Southeast corner of said Zachary Scott, Section 1, and for an angle corner of this tract;

THENCE with the east line of said Zachary Scott, Section 1, the following three (3) courses:

1. North 31°15'10" East, a distance of 390.00 feet to a point, for an angle corner of this tract;
2. South 58°44'50" East, a distance of 15.00 feet to a point, for an angle corner of this tract;
3. North 31°15'10" East, a distance of 155.00 feet to a point, for the Northeast corner of said Zachary Scott, Section 1, and for an angle corner of this tract;

THENCE with the north line of said Zachary Scott, Section 1, the following fourteen (14) courses:

1. North 58°44'50" West, a distance of 287.50 feet to a point, for an angle corner of this tract;
2. North 31°15'10" East, a distance of 15.00 feet to a point, for an angle corner of this tract;
3. North 58°44'50" West, a distance of 162.50 feet to a point, for an angle corner of this tract;
4. North 31°15'10" East, a distance of 2.50 feet to a point, for an angle corner of this tract;

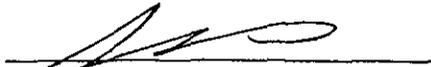
5. North 58°44'50" West, a distance of 183.50 feet to a point, for an angle corner of this tract;
6. North 57°17'45" West, a distance of 44.51 feet to a point, for an angle corner of this tract;
7. North 53°56'30" West, a distance of 37.92 feet to a point, for an angle corner of this tract;
8. North 45°48'59" West, a distance of 35.68 feet to a point, for an angle corner of this tract;
9. North 35°52'24" West, a distance of 80.68 feet to a point, for an angle corner of this tract;
10. North 32°30'07" West, a distance of 183.50 feet to a point, for an angle corner of this tract;
11. South 57°29'53" West, a distance of 17.50 feet to a point, for an angle corner of this tract;
12. North 32°30'07" West, a distance of 165.00 feet to a point, for an angle corner of this tract;
13. South 57°29'53" West, a distance of 55.39 feet to a point, for an angle corner of this tract;
14. North 32°30'07" West, a distance of 112.09 feet to a point in the east line of said Bradshaw Road and in a curve to the right, for the Northwest corner of said Zachary Scott, Section 1, and for an angle corner of this tract;

THENCE with the east right-of-way line of said Bradshaw Road, the following two (2) courses:

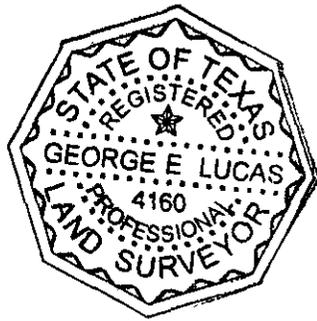
1. Along said curve to the right an arc length of 127.02 feet, having a radius of 544.87 feet, a delta angle of 13°21'26", a chord bearing of North 51°54'55" East, and a chord distance of 126.74 feet to a point;

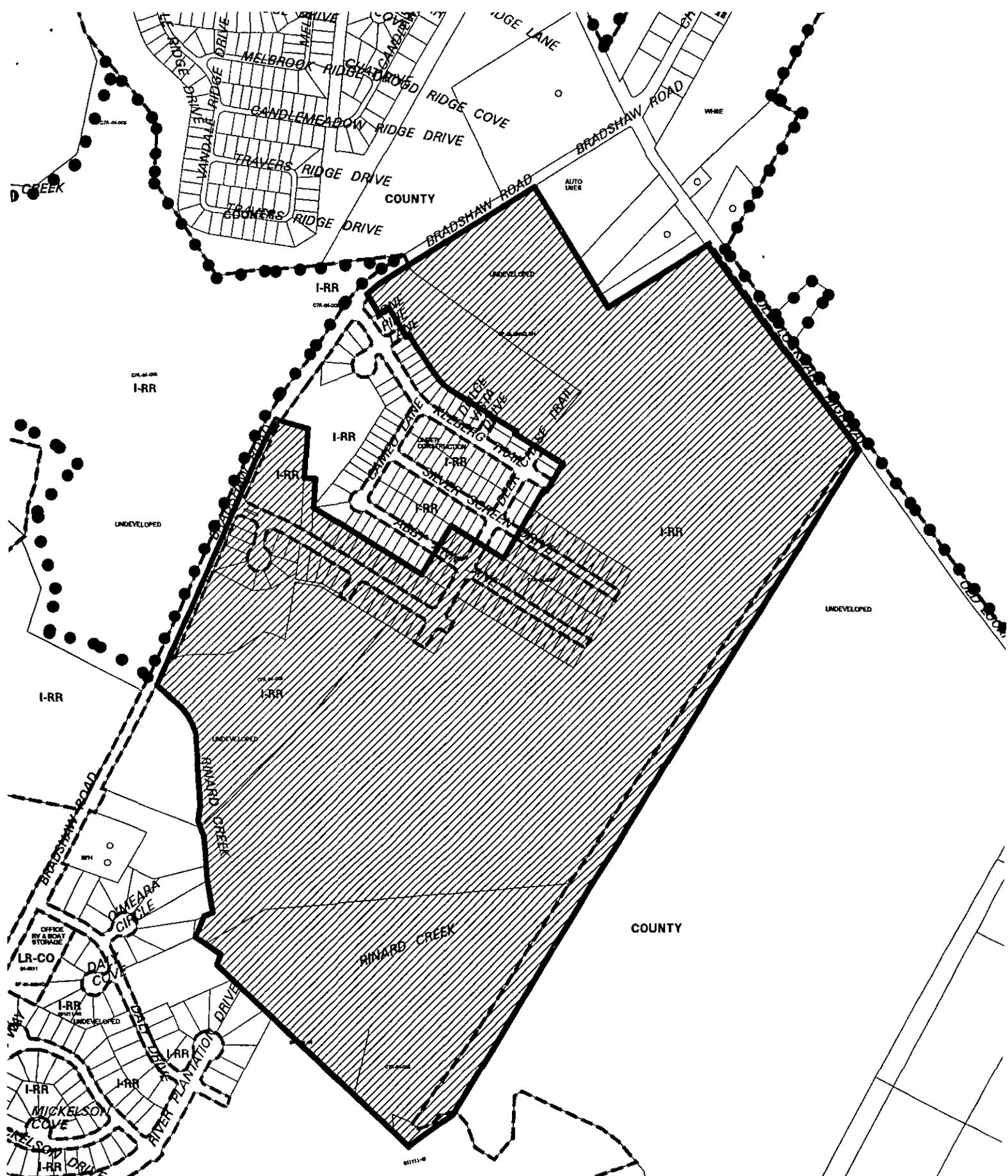
2. North  $58^{\circ}35'38''$  East, a distance of 854.02 feet to the POINT OF BEGINNING, containing 189.012 acres of land, more or less.

These field notes were prepared from existing deeds and plats of record and does not purport to be an on the ground survey.



George E. Lucas  
Registered Professional  
Land Surveyor No. 4160  
State of Texas  
Date: March 06, 2006





N  
 SUBJECT TRACT   
 PENDING CASE   
 ZONING BOUNDARY   
 CASE MGR: WWALSH

**ZONING EXHIBIT B**  
 CASE #: C14-06-0085.SH  
 ADDRESS: 10016-10136 OLD  
 LOCKHART HWY E OF BRADSHAW RD  
 SUBJECT AREA (acres): 189.012

DATE: 06-11  
 INTLS: SM

CITY GRID  
 REFERENCE  
 NUMBER  
 H11

1" = 600'

**RESTRICTIVE COVENANT**

OWNER: Lennar Buffington Zachary Scott L.P., a Texas limited partnership  
ADDRESS: 12301 Research Blvd., Bldg 4, Suite 100, Austin, Texas 78759  
CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.  
PROPERTY: A 189.012 acre tract of land, more or less, out of the Santiago Del Valle Grant, in Travis County, Texas, and being a part of Tract 1, the tract of land being more particularly described by metes and bounds in Exhibit A, attached and incorporated into this covenant.

WHEREAS, the Owner of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds the total traffic generation for the Property as specified in that certain Traffic Impact Analysis ("TIA") prepared by Robert J. Halls and Associates, dated October 2006, or as amended and approved by the Director of the Watershed Protection and Development Review Department. All development on the Property is subject to the recommendations contained in the memorandum from the Transportation Review Section of the Watershed Protection and Development Review Department, dated January 3, 2007. The TIA shall be kept on file at the Watershed Protection and Development Review Department.
2. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
4. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.

5. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2007.

**OWNER:**

**Lennar Buffington Zachary Scott L.P.,  
a Texas limited partnership**

By: Lennar Texas Holding Company,  
a Texas corporation,  
General Partner

By: \_\_\_\_\_  
James Dorney,  
Vice President

**AND**

By: Buffington Zachary Scott Management,  
L.L.C.,  
a Texas limited liability company  
General Partner

By: \_\_\_\_\_  
Patrick J. Starley,  
Vice President

APPROVED AS TO FORM:

\_\_\_\_\_  
Assistant City Attorney  
City of Austin

**THE STATE OF TEXAS §**

**COUNTY OF TRAVIS §**

This instrument was acknowledged before me on this the \_\_\_\_ day of \_\_\_\_\_, 2007, by James Dorney, Vice President of Lennar Texas Holding Company, a Texas corporation, general partner of Lennar Buffington Zachary Scott L.P., a Texas limited partnership, on behalf of the corporation and the partnership

\_\_\_\_\_  
Notary Public, State of Texas

**THE STATE OF TEXAS §**

**COUNTY OF TRAVIS §**

This instrument was acknowledged before me on this the \_\_\_\_ day of \_\_\_\_\_, 2007, by Patrick J Starley, Vice President of Buffington Zachary Scott Management L.L.C., a Texas limited liability company, general partner of Lennar Buffington Zachary Scott L.P., a Texas limited partnership, on behalf of the limited liability company and the partnership

\_\_\_\_\_  
Notary Public, State of Texas

**After Recording, Please Return to:**  
**City of Austin**  
**Department of Law**  
**P. O. Box 1088**  
**Austin, Texas 78767**  
**Attention: Diana Minter, Paralegal**

## FIELD NOTE DESCRIPTION FOR TRACT 1, A 189.012 ACRE TRACT OF LAND:

BEING A TRACT OR PARCEL OF LAND SITUATED IN TRAVIS COUNTY, TEXAS, AND BEING OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT, AND BEING A PART OF TRACT 1 AS DESCRIBED IN A SPECIAL WARRANTY DEED TO LENNAR BUFFINGTON ZACHARY SCOTT, L.P. FROM THE FROST NATIONAL BANK, TRUSTEE OF THE Z.T. SCOTT, JR., ET TRUST UNDER TO WILL OF Z.T. SCOTT, DECEASED, ET AL, DATED SEPTEMBER 3, 2004, AND RECORDED IN DOCUMENT NO. 2004186026, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a point in the southeast right-of-way line of Bradshaw Road, for the north corner of said Tract 1, for the West corner of that certain tract of land as described in a deed to Dawn E. and Eldon W. Janssen, recorded in Document No. 2000193206, of the Official Public Records of Travis County, Texas, and for the North corner of this tract;

THENCE with the west line of the said Janssen tract, the west line of that certain tract of land as described in a deed to Nelda Short, recorded in Volume 9525, Page 378, of the Real Property Records of Travis County, Texas, the west line of the Salrich Addition, recorded in Volume 48, Page 54, of the Plat Records of Travis County, Texas, and the west line of the Adams Addition, recorded in Volume 49, Page 94, of the Plat Records of Travis County, Texas, South  $32^{\circ}30'07''$  East, a distance of 693.47 feet to a point, for the Southwest corner of the said Adams Addition, for an angle corner of said Tract 1, and for an angle corner of this tract;

THENCE with the south line of the said Adams Addition, common to said Tract 1, North  $58^{\circ}28'35''$  East, a distance of 569.89 feet to a point in the west line of the Austin Lockhart Road, for an angle corner of said Tract 1, and for an angle corner of this tract;

THENCE with the west line of the said Austin Lockhart Road, common to said Tract 1, the following two (2) courses:

1. South  $36^{\circ}35'06''$  East, a distance of 373.47 feet to a point, for an angle corner of this tract;
2. South  $36^{\circ}56'37''$  East, a distance of 872.11 feet to a point, for the Northwest corner of that certain tract of land as described in a deed to the Bradsher Family Trust and H. Goodnight Family Trust, et al, recorded in Volume 12049, Page 1677, of the Real Property Records of Travis County, Texas, for the Northeast corner of said Tract 1, and for the Northeast corner of this tract;

EXHIBIT A

THENCE with the west line of the said Bradsher/Goodnight tract, and the east line of said Tract 1, the following two (2) courses:

1. South 31°10'19" West, a distance of 2,528.19 feet to a point, for an angle corner of this tract;
2. South 31°29'49" West, a distance of 1,298.04 feet to a point, for the Southwest corner of the said Bradsher/Goodnight tract, for an angle corner of that certain tract of and as described in a Warranty Deed to Legend's Way Development Company from Williamson Creek Farms, Ltd., dated July 1, 1999, and recorded in Document No. 2001174967, of the Official Public Records of Travis County, Texas, for an angle corner of said Tract 1, and for an angle corner of this tract;

THENCE continuing with the east line of said Tract 1, common to the said Legend's Way tract, South 53°43'52" West, a distance of 272.22 feet to a point, for the Southeast corner of said Tract 1, and of for the Southeast corner of this tract;

THENCE with the south line of said Tract 1, common to the said Legend's Way tract, the following five (5) courses:

1. North 46°46'08" West, a distance of 1,303.59 feet to a point, for an angle corner of this tract;
2. North 19°53'54" East, a distance of 53.60 feet to a point, for an angle corner of this tract;
3. North 55°55'54" West, a distance of 150.00 feet to a point, for an angle corner of this tract;
4. North 22°28'58" East, a distance of 111.11 feet to a point, for an angle corner of this tract;
5. North 66°48'18" East, a distance of 47.22 feet to a point in the approximate centerline of Rinard Creek, for an angle corner of this tract;

THENCE continuing with the south line of said Tract 1, common to the said Legend's Way tract, and with the approximate centerline of said Rinard Creek, the following nine (9) courses:

1. North 09°52'11" West, a distance of 154.78 feet to a point, for an angle corner of this tract;

2. North 05°09'32" West, a distance of 232.85 feet to a point, for an angle corner of this tract;
3. North 21°28'58" West, a distance of 77.47 feet to a point, for an angle corner of this tract;
4. North 07°31'19" East, a distance of 76.58 feet to a point, for an angle corner of this tract;
5. North 04°18'10" West, a distance of 361.03 feet to a point, for an angle corner of this tract;
6. North 21°35'26" West, a distance of 41.40 feet to a point, for an angle corner of this tract;
7. North 28°07'07" West, a distance of 59.00 feet to a point, for an angle corner of this tract;
8. North 36°36'03" West, a distance of 40.42 feet to a point, for an angle corner of this tract;
9. North 46°22'24" West, a distance of 165.49 feet to a point in the east right-of-way line of said Bradshaw Road, for the Southwest corner of said Tract 1, for the Northwest corner of the said Legend's Way tract, and for the Southwest corner of this tract;

THENCE with the east right-of-way line of said Bradshaw Road, the following two (2) courses:

1. North 23°31'05" East, a distance of 1,309.83 feet to a point at the beginning of a curve to the right;
2. Along said curve to the right an arc length of 112.27 feet, having a radius of 921.91 feet, a delta angle of 06°58'40", a chord bearing of North 27°13'49" East, and a chord distance of 112.20 feet to a point, for the Southwest corner of Zachary Scott, Section 1, a subdivision recorded in Document No. 200500260, of the Official Public Records of Travis County, Texas, and for an angle corner of this tract;

THENCE with the south line of said Zachary Scott, Section 1, the following seven (7) courses:

1. South 73°43'07" East, a distance of 165.52 feet to a point, for an angle corner of this tract;

2. South 03°00'20" West, a distance of 242.74 feet to a point, for an angle corner of this tract;
3. South 86°59'40" East, a distance of 54.00 feet to a point, for an angle corner of this tract;
4. South 03°00'20" West, a distance of 139.28 feet to a point, for an angle corner of this tract;
5. South 58°44'50" East, a distance of 627.26 feet to a point, for an angle corner of this tract;
6. North 31°15'10" East, a distance of 280.00 feet to a point, for an angle corner of this tract;
7. South 58°44'50" East, a distance of 305.00 feet to a point, for the Southeast corner of said Zachary Scott, Section 1, and for an angle corner of this tract;

THENCE with the east line of said Zachary Scott, Section 1, the following three (3) courses:

1. North 31°15'10" East, a distance of 390.00 feet to a point, for an angle corner of this tract;
2. South 58°44'50" East, a distance of 15.00 feet to a point, for an angle corner of this tract;
3. North 31°15'10" East, a distance of 155.00 feet to a point, for the Northeast corner of said Zachary Scott, Section 1, and for an angle corner of this tract;

THENCE with the north line of said Zachary Scott, Section 1, the following fourteen (14) courses:

1. North 58°44'50" West, a distance of 287.50 feet to a point, for an angle corner of this tract;
2. North 31°15'10" East, a distance of 15.00 feet to a point, for an angle corner of this tract;
3. North 58°44'50" West, a distance of 162.50 feet to a point, for an angle corner of this tract;
4. North 31°15'10" East, a distance of 2.50 feet to a point, for an angle corner of this tract;

5. North  $58^{\circ}44'50''$  West, a distance of 183.50 feet to a point, for an angle corner of this tract;
6. North  $57^{\circ}17'45''$  West, a distance of 44.51 feet to a point, for an angle corner of this tract;
7. North  $53^{\circ}56'30''$  West, a distance of 37.92 feet to a point, for an angle corner of this tract;
8. North  $45^{\circ}48'59''$  West, a distance of 35.68 feet to a point, for an angle corner of this tract;
9. North  $35^{\circ}52'24''$  West, a distance of 80.68 feet to a point, for an angle corner of this tract;
10. North  $32^{\circ}30'07''$  West, a distance of 183.50 feet to a point, for an angle corner of this tract;
11. South  $57^{\circ}29'53''$  West, a distance of 17.50 feet to a point, for an angle corner of this tract;
12. North  $32^{\circ}30'07''$  West, a distance of 165.00 feet to a point, for an angle corner of this tract;
13. South  $57^{\circ}29'53''$  West, a distance of 55.39 feet to a point, for an angle corner of this tract;
14. North  $32^{\circ}30'07''$  West, a distance of 112.09 feet to a point in the east line of said Bradshaw Road an in a curve to the right, for the Northwest corner of said Zachary Scott, Section 1, and for an angle corner of this tract;

THENCE with the east right-of-way line of said Bradshaw Road, the following two (2) courses:

1. Along said curve to the right an arc length of 127.02 feet, having a radius of 544.87 feet, a delta angle of  $13^{\circ}21'26''$ , a chord bearing of North  $51^{\circ}54'55''$  East, and a chord distance of 126.74 feet to a point;

2. North 58°35'38" East, a distance of 854.02 feet to the POINT OF BEGINNING, containing 189.012 acres of land, more or less.

These field notes were prepared from existing deeds and plats of record and does not purport to be an on the ground survey.

  
George E. Lucas  
Registered Professional  
Land Surveyor No. 4160  
State of Texas.  
Date: March 06, 2006

